IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 1167 of 2004(L)

PETITIONER:

K.A.SCARIA S/O. ABRAHAM, MAMPILLIL HOUSE, SEETHAMOUNT P.O., KOLAVALLI, WAYANAD DISTRICT.

BY ADV. SRI.S.M.PRASANTH

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, WAYANAD DISTRICT, KALPETTA, WAYANAD.

2. THE SECRETARY, WAYAND DISTRICT PANCHAYAT, KALPETTA, WAYANAD.

3. M.RAGHAVAN, MEMBER, WAYANAD DISTRICT PANCHAYAT, KALPETTA, WAYANAD DISTRICT.

4. MATHAI MAPPANATH, MAPPANATHU HOUSE, SETHAMOUNT P.O., KOLAVALLI, WAYANAD.

5. THE ASSISTANT ENGINEER, MINOR IRRIGATION OFFICE, BATHERY, WAYANAD.

BY ADV. SRI.K.BABU THOMAS FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 1167/2004 L

APPENDIX

PETITIONER'S EXHIBITS

EX.P1. COPY OF THE ORDER DT. 12/11/03 IN OP NO. 34/03 OF THE OMBUDSMAN FOR LOCAL SELF GOVT. INSTITUTIONS, THIRUVANANTHAPURAM.

EXT.P2. COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE OMBUDSMAN, THIRUVANANTHAPURAM.

EXT.P3. COPY OF THE NOTICE DT. 1/11/03 SENT BY OMBUDSMAN FOR LOCAL SELF GOVT. INSTITUTIONS INSTITUTIONS, THIRUVANANTHAPURAM TO THE PETITIONER.

EXT.P4. COPY OF THE ACKNOWLEDGEMENT DT. 1/1/04 BY WOMEN'S CO-OP SOCIETY MULLANKOLLY.

EXT.P5. COPY OF THE PETITION DT. 21/11/03 BY PETITIONER BEFORE THE OMBUDSMAN, THIRUVANANTHAPURAM.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE JUDGMENT IN OP NO. 4781/2002 OF THIS COURT.

EXT.R2B. COPY OF THE COUNTER STATEMENT FILED BY THE DIST. PANCHAYAT IN THE COMPLAINT.

True copy

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KURIAN JOSEPH J.

W.P.(C) No.1167 of 2004

Dated 9th August, 2007.

J U D G M E N T

Petitioner is aggrieved by the imposition of costs as per Ext.P1 order passed by the Ombudsman for Local Self Government Institutions. It is observed in Ext.P1 order that the petition before the said authority is an abuse of the process of the court. It is further seen from the order that the said authority was constrained to pass such an order, in view of the absence of the petitioner when the case was taken up. In view of the facts and circumstances regarding the absence as stated in the writ petition, it cannot be said that the absence was deliberate, and the absence by itself should be the reason for the costs. Therefore, the order regarding costs in Ext.P1 is vacated and the writ petition is disposed of.

KURIAN JOSEPH, JUDGE.

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